

CHAPTER 116

THE LAND USE PLANNING ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 116

THE LAND USE PLANNING ACT

An Act to provide for procedures for the preparation, administration and enforcement of land use plans; to repeal the National Land Use Planning Commission Act and to provide for related matters.

[10th June, 2008]

[GN. No. 76 of 2008]

Act No.
6 of 2007

PART I

PRELIMINARY PROVISIONS

- Short title 1.-(1) This Act may be cited as the Land Use Planning Act.
(2) Omitted.
- Interpretation 2. In this Act, unless the context otherwise requires-
“Act” means the Land Use Planning Act;
“Chairman” means the Chairman of the National Land Use
Planning Commission appointed in accordance with
section 6 of this Act;
“Commission” means the National Land Use Planning
Commission established under section 6;
“Court” means the courts established under the Land Act
and the Village Land Act;
“development” means the carrying out of any physical or
construction work in, on, under or over any land, the
subdivision or laying out of land, or the making of any
change in the use of land, and the expression “develop” is
to be construed accordingly;
“Director General” means the Director General appointed
under section 10 of this Act;
- Cap. 113
Cap. 114

- Cap. 287 “district” has the meaning ascribed to it under the Local Government (District Authorities) Act, and the expression “district land use planning” shall be construed accordingly;
- Cap. 113 “land” has the meaning ascribed to it under the Land Act;
- Cap. 113 “landholder” means a holder of a right of occupancy or customary right issued or recognised under any law relating to the acquisition of land rights in Tanzania under the Land Act, and the Village Land Act;
- Cap. 114 “land use” means the purpose for which any parcel of or structure erected on land, or part of it is or is intended to be used, or occupied;
- “land use plan” means any plan prepared or adopted by a planning authority under this Act;
- “land use planning” means the procedures and processes in accordance with which land use in a planning area or zone are prescribed, managed, monitored and evaluated under this Act;
- “lead agency” means all government departments responsible for various aspects relating to land use or environmental planning, whether or not comprised in the Ministry responsible for land use planning matters;
- “local government authority” has the meaning ascribed to it under the Local Government (District Authorities) Act, and the Local Government (Urban Authorities) Act;
- Cap. 287 “Minister” means the Minister responsible for land use planning;
- Cap. 288 “planning area” means an area declared to be a planning area in accordance with section 25;
- “planning authorities” means planning authorities prescribed under section 18 of this Act;
- Cap. 97 “Regional Secretariat” has the meaning ascribed to it under the Regional Administration Act;
- Cap. 113 “reserved land” means lands classified as such under section 6 of the Land Act;
- “resource management sector plan” means a land use plan prepared in respect of a specific land use sector or land use

- activity and includes plans for river basins and sensitive ecological zones;
- GN. No. 174 of 2003 “Tribunal” has the meaning ascribed to it under the Land Disputes Courts (District Land and Housing Tribunal) Regulations;
- Cap. 113 “urban area” has the meaning ascribed to it under the Land Act;
- Cap. 288 “urban authority” has the meaning ascribed to it under the Local Government (Urban Authorities) Act;
- “urban land” means land within the boundaries of an urban authority;
- Cap. 287 “village” means a village registered under the Local Government (District Authorities) Act;
- “zonal for planning purposes” means an area larger than an administrative region encompassing two or more regions.

PART II

POLICY FRAMEWORK

Fundamental principles of land use

3. With a view to giving effect to fundamental principles of National Land Policy and the Human Settlements Development Policy which all persons and authorities exercising powers under, applying or interpreting this Act through land use planning shall have regard to the need to-
- (a) make serviced land available for shelter and human settlements development in general to all sections of community including women, youth, the elderly, disabled, disadvantaged and pastoralist;
 - (b) improve the level of the provision of infrastructure and social services for sustainable human settlements development;
 - (c) facilitate the creation of employment opportunities and eradication of poverty;
 - (d) promote a balanced development of a clearly defined hierarchy of settlements in promoting human settlements development;

- (e) promote and include the participation of the private and popular sectors, Community Based Organisations, Non-Governmental Organisations, co-operatives and communities in land use planning;
- (f) protect the environment of human settlements and ecosystems from pollution, degradation and destruction in order to attain sustainable development;
- (g) promote the building of capacities in training and retraining of professionals in fields related to land use planning;
- (h) promote capacity building such as technical, financial and managerial of all actors involved in land use planning; and
- (i) ensure planning legislation, building regulations, standards and other controls which are consistent with the capabilities, needs and aspirations of the various sections of the population.

Land use
planning
objectives

4. The objectives of land use planning to which persons and authorities exercising powers under, applying or interpreting this Act shall be to-

- (a) facilitate efficient and orderly management of land use;
- (b) empower landholders and users to make better and more productive use of their land;
- (c) promote sustainable land use practices;
- (d) ensure security and equity in access to land resources;
- (e) facilitate the establishment of a framework for the prevention of land use conflicts;
- (f) facilitate overall macro-level planning while taking into account regional and sectoral considerations;
- (g) provide for inter-sectoral co-ordination at all levels;
- (h) ensure the use of political and administrative structures and resources available at national, regional, district and village levels; and

- (i) provide a framework for the incorporation of relevant principles contained in national and structural development policies as may be defined by the Government.

PART III ADMINISTRATION

(a) Minister

Responsibilities
of Minister

5.–(1) It shall be the responsibility of the Minister to ensure that the principles and objectives provided for in sections 3 and 4 herein are incorporated as necessary into general framework or detailed land use plans at all levels of the planning process.

(2) Notwithstanding the generality of subsection (1), the Minister shall ensure-

- (a) review of existing land use and development policies and direct their incorporation into land use plans prepared in accordance with this Act;
- (b) evaluation of existing and proposed land use, development policies and the activities of the Government with a view to ensuring the proper management and use of land; and
- (c) Government policies including those for development of land, take adequate account of their effect on land use.

(b) National Land Use Planning Commission

Establishment
of National Land
Use Planning
Commission

6.–(1) There is hereby established a Commission to be known as the National Land Use Planning Commission which shall consist of-

- (a) a Chairman to be appointed by the President;
- (b) not less than five and not more than ten members appointed by the Minister from amongst the following public, private and popular sectors:
 - (i) lands and human settlements development;

- (ii) agriculture and livestock;
 - (iii) economic planning and development;
 - (iv) energy or mining;
 - (v) environment;
 - (vi) finance;
 - (vii) health;
 - (viii) industry or trade;
 - (ix) law or law enforcement;
 - (x) local government;
 - (xi) natural resources, fisheries or tourism;
 - (xii) water resources; and
 - (xiii) Non-Government Organisations and Community Based Organisations; and
- (c) a Director General, who shall be an *ex-officio* member and the Secretary.

(2) In appointing the members of the Commission under subsection (1)(b), the Minister shall ensure that at least three of members are women.

(3) The meeting for transaction of the business of the Commission shall be as stipulated in the First Schedule to this Act.

(4) The Commission shall be a body corporate and-

- (a) have perpetual succession and a common seal;
- (b) in its corporate name be capable of suing and being sued; and
- (c) be capable of performing such other functions as a body corporate may perform.

Functions of
Commission

7.-(1) The functions of the Commission shall be to-

- (a) coordinate, advice and inspect all sectors on collective standards and advice the Minister to make the agreed standards;
- (b) provide assistance to all land use planning authorities and prepare land use plans, monitor their implementation and, from time to time, evaluate them;

- (c) co-ordinate the activities of bodies concerned with land use planning matters and serve as a channel of communication between those institutions and the Government;
- (d) design and disseminate programs that will effectively protect and enhance the quality of land and better land use planning;
- (e) stimulate public and private participation in activities related to land use planning for rational and beneficial use of land;
- (f) foster co-operation between the Government, local government authorities and other institutions engaged in land use planning;
- (g) promote the advancement of scientific knowledge in land use matters and encourage the development of technology directed at the prevention or reduction of adverse effects on land;
- (h) specify standards, norms and criteria for the protection of beneficial uses and the maintenance of the quality of land;
- (i) undertake and co-ordinate research, investigation and surveys relating to land use planning and collate and create a national data bank to disseminate information about the findings of research, investigation or survey;
- (j) establish and operate a system of documentation and dissemination of information relating to land use planning;
- (k) in consultation with any sector Ministries, examine existing laws and advise the Government on legislative and other measures for the management of land use planning and recommend their implementation;
- (l) establish and maintain liaison with other countries and international organisations, with respect to issues and matters relating to land use planning;

- (m) undertake, in co-operation with relevant agencies, programmes intended to enhance land use planning education, and public awareness about the need for sound land management and for enlisting public support and encouraging the effort made by other entities in that regard;
- (n) undertake and promote educational programmes in land use planning for the purpose of educating the public on proper land use planning and the role of the public in its protection, use and improvement;
- (o) ensure compliance with the approved land use plans; and
- (p) perform other functions as may be assigned to it under this Act.

(2) The Minister may make regulations for the better performance of the functions of the Commission.

Powers of Commission to ensure compliance

8. The Commission shall exercise all necessary powers required to bring about compliance with any directive issued by it and may, in that respect, take or cause to be taken measures including filing suits in courts of law.

Conflict of interest

9.-(1) A member, employee or staff of the Commission, agent or any person having any contractual relationship with the Commission shall not participate or influence in making a decision on any matter to which he has an interest.

(2) A person referred to under subsection (1), before participating in making a decision on any matter shall, declare an interest involved.

Director General of Commission

10.-(1) There shall be-

- (a) a Director General of the Commission to be appointed by the President; and
- (b) other officers and staff as the Commission may appoint for the proper discharge of its functions under this Act.

(2) A person to be appointed to the position of Director General shall be a person who holds at least a postgraduate

degree from a recognised higher learning institution and has at least working experience in either of the following fields:

- (a) urban and rural planning;
- (b) law;
- (c) environmental science; or
- (d) natural resource management;

(3) Notwithstanding the provision of subsection (2), the Director General shall also be knowledgeable on local government matters.

(4) The appointment under subsection (1) shall be on such terms and conditions of public service as may be determined by the relevant appointing authority.

Duties of Director
General

11.—(1) The duties of the Director General shall be to-

- (a) advise the Commission on all matters relating to land use planning;
- (b) responsible for the day today management of the affairs of the Commission as the Chief Executive of the Commission and subject to this Act;
- (c) initiate, undertake or direct studies and research into matters concerning land use planning;
- (d) manage the funds and property of the Commission; and
- (e) perform any other functions as may be conferred upon him by this Act.

(2) The Director General may delegate any of his functions under this Act, either generally or specifically to any officer appointed under this Act and, may at any time revoke or vary such delegation, provided that such delegation shall not be deemed to have divested the Director General of all or any of his duties, and he may, if he thinks fit, perform such functions notwithstanding that he had delegated them.

Indemnity

12. The Director General and officers appointed under this Act shall not be subject to any action or other proceeding for, or in respect of any act done, or omitted to be done without

negligence and in good faith, in the exercise or purported exercise of any of the functions conferred by or under this Act, by any person for any injury to him, his property or any interests caused by the exercise of the powers conferred on the Commission by this Act.

Liability of
Commission for
damage

13. Section 12 shall not relieve the Commission of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of the powers conferred on the Commission by this Act or by any other written law.

PART IV FINANCIAL PROVISIONS

Funds and
resources of
Commission

14.—(1) The funds and resources of the Commission shall consist of-

- (a) sums as may be provided by Parliament for the purpose of the Commission; and
- (b) moneys or assets as may accrue to or vest in the Commission in the course of the exercise of its powers or the performance of its functions under this Act.

(2) The funds and resources of the Commission shall be applied for the purposes for which the Commission is established.

Powers of
Minister to
impose fees

15.—(1) Where the Minister considers it necessary in the public interest may, after consultation with the Minister responsible for finance and by order published in the *Gazette*, impose fees payable to the Commission by any person benefiting from the activities of the Commission or whose activities affect the activities of the Commission and a person or body of persons specified in the order, shall take all necessary measures to pay to the Commission a fees and in a manner as may be specified in the order.

(2) The amount of fees required to be paid under subsection (1), shall be paid by the specified person and the amount payable shall be a debt due to the Commission and may be recovered from the specified person or body of persons as a civil debt by a suit at the instance of the Director General or any person authorised by him in that behalf.

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(3) Where any fees is due from any specific person, the Director General may file in the District Land and Housing Tribunal or District Court as specified under section 54 of the Land Act, a certificate stating the name and address of the specified person or body of persons from whom the amount is due and upon the certificate being lodged in court, the certificate shall be deemed to be a plaint duly lodged under Order XXXV of the Civil Procedure Code.

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(4) The court shall proceed in the matter in accordance with the provisions of that Order, and in the event of judgment being given in favour of the plaintiff, the court shall pass a decree for payment by the defendant to the Commission, together with interest on that amount at five *per centum* per month from the date on which the certificate was filed until the payment is made.

(5) The provisions of subsection (4), shall apply notwithstanding that the amount involved exceeds the pecuniary jurisdiction of the court.

(6) A certificate filed in the court pursuant to the provisions of subsection (3) shall, unless the contrary is proved, be a conclusive evidence.

Annual estimates

16.—(1) The Director General shall, in respect of each financial year, cause to be prepared estimates of the expenditure and revenue of the Commission and those estimates shall be adopted by the Commission with or without modification as may deem fit before the commencement of each financial year.

(2) Where in any financial year the Commission requires to make any disbursement not provided for or of any amount in excess of the amount provided for in the annual budget for that

year, the Commission shall, at a meeting, pass a supplementary budget detailing the manner in which disbursement was made.

(3) The annual budget and supplement budget shall be in a form and include a details as the Minister may direct.

(4) Upon passing the annual budget or any supplementary budget, the Commission shall submit to the Minister for approval of that annual budget or the supplementary budget.

(5) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove or may approve it subject to any amendment as may be appropriate.

(6) Where the Minister has approved any annual budget or any supplementary budget, the annual budget or the supplementary budget, shall be binding on the Commission and confine the disbursements of the Commission within the items and amounts contained in the applicable estimates as approved by the Minister.

(7) The Commission may-

- (a) with the sanction in writing of the Minister, make a disbursement notwithstanding that the disbursements not provided for in any budget; or
- (b) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared in which case the Commission shall submit a supplementary budget to the Minister within two months from the date of the alteration of expenditure limits.

Accounts and
audit

17.-(1) The Commission shall cause to be prepared and kept proper books of accounts and records with respect to-

- (a) the receipt and expenditure of moneys by, and other financial transactions of the Commission; and
- (b) the assets and liabilities of the Commission, and shall cause to be made out for every financial year balance sheet showing details of the income and expenditure of the Commission and all its assets and liabilities.

(2) As soon as possible, after the close of every financial year, a balance sheet showing details of the income and expenditure of the Commission in respect of that financial year shall be submitted to the Commission for audit.

(3) An audited balance sheet shall be placed before a meeting of the Commission for approval in which case, the Commission shall, endorse the balance sheet with a certificate that it has been adopted.

(4) As soon as the accounts of the Commission have been audited, and in any case not later than eight months after the close of the financial year, the Commission shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report made by the auditors on the statement of accounts.

(5) Upon receipt of the report of audited statement of account, the Minister shall as soon as possible lay the report to the National Assembly.

PART V MACHINERY OF PLANNING

(a) Establishment of land use planning authorities

Planning
authorities

18.—(1) For the purpose of this Act, planning authorities shall include—

- (a) a village council;
- (b) a district council;
- (c) the National Land Use Planning Commission; and
- (d) any body or organ which the Minister may, by order published in the *Gazette*, declare to be a planning authority or joint planning authority.

(2) For avoidance of doubt, a village council shall attain the status of a planning authority for a village which conforms to the requirements set out under the Second Schedule to this Act.

(3) Without prejudice to subsection (1), the village council shall brief the Ward Development Committee having jurisdiction in the area where the village is situated, on land use planning.

National Planning
Authority

19.—(1) For the purpose of this Part, the Commission shall be the National Land Use Planning Authority.

(2) The Commission shall, in that capacity-

- (a) prepare the national land use framework plan;
- (b) prepare detailed zonal land use framework plans;
- (c) ensure co-ordinated and orderly physical development at the national level;
- (d) monitor and evaluate long-term changes in land use in the country;
- (e) co-ordinate regional land use framework plans;
- (f) establish machinery for inter-sectoral co-ordination among land use agencies;
- (g) co-ordinate the various land use management activities being undertaken by lead agencies;
- (h) promote the integration of land use considerations into development policies, plans, programmes and projects;
- (i) subject the land use framework or zonal plans to Environmental Impact Assessment, having bearing in the relevant law; and
- (j) subject to the relevant law, inspect implementation of land use plans.

(3) The Commission shall, in addition to the functions specified in subsection (2) have power to-

- (a) consult and examine all urban land use plans prepared under relevant urban planning law, for purposes of rationalisation and incorporation into the national or relevant regional land use framework plans; and
- (b) recommend other measures to urban planning authorities as are necessary for ensuring that urban land use plans take account of the overall land use and development goals.

(4) In the exercise of its functions under subsection (2), the Commission shall-

- (a) harmonise resource management sector plans and integrate them into the national land use framework plan;
- (b) establish and review, in consultation with the relevant lead agencies, land use guidelines;
- (c) appraise land use patterns to determine their impact on the quality and quantity of natural resources; and
- (d) advise the Minister on legislative and other measures necessary for the management of land as a national asset.

(5) The Commission may, for the better execution of its functions under this section, establish a Technical Committee consisting of fifteen members drawn from the list set out in the Third Schedule to this Act.

(6) The Technical Committee shall, in consultation with the relevant lead agencies, deliberate on and advise the Commission on any of the matters set out in the Fourth Schedule to this Act.

Role of Regional Secretariat

20.-(1) The role of the Regional Secretariat in relation to co-ordination of the preparation and implementation of land use plans by the district councils in the respective region shall be to-

- (a) co-ordinate inter and intra district land use planning including the preparation of resource management sector plans within the region;
- (b) establish machinery for inter sectoral co-ordination among lead agencies within their areas of jurisdiction; and
- (c) ensure the co-ordination of physical development and systematic land use in each region.

(2) In the exercise of its functions under subsection (1), the Regional Secretariat shall undertake activities enumerated in section 19(4) as would enhance its functions under this section.

District planning authorities **21.**–(1) A District Council shall be a land use planning authority in the district.

(2) A district land use planning authority shall, in consultation with all relevant stakeholders-

- (a) prepare district land use framework plans incorporating relevant aspects of plans prepared under relevant urban planning law, that includes:
 - (i) small islands;
 - (ii) coastline and beaches;
 - (iii) planning for vertical development; and
 - (iv) urban boundaries;
- (b) ensure co-ordination and systematic physical development at the district level;
- (c) ensure inter-sectoral co-ordination; and
- (d) co-ordinate village land use plans.

Village planning authorities **22.**–(1) A village council shall be a village land use planning authority for the respective village.

Cap. 114 (2) The Composition, procedure and functioning of the village council shall be as provided under sections 12 and 13 of the Village Land Act and the Guidelines for Participatory Village Land Use Planning.

(3) Subject to approval by respective Village Assembly, the village land use planning authority shall, in that capacity-

- (a) prepare detailed land use plans for implementation in its respective area of jurisdiction;
 - (b) ensure that the objectives of the Village Land Act are achieved;
 - (c) secure the orderly and environmental sustainable development in the village;
 - (d) ensure productive use of village land;
 - (e) preserve village land resources including forests and wildlife; and
 - (f) review or evaluate all applications for land within the village to determine the extent of its conformity with approved land use plans and to advise the Village Assembly accordingly.
- Cap. 114

General powers
of planning
authorities

- 23.** The planning authorities shall-
- (a) be responsible for policy implementation and direction for the purposes of this Act;
 - (b) set appropriate goals and objectives at all land use planning levels and determine policies and priorities for the improvement of land productivity in their areas of jurisdiction; and
 - (c) in collaboration with the National Environment Management Council, determine appropriate criteria for protection of the environment and sustainable use of natural resources.

Relations with
local government
authorities
Cap. 287
Cap. 114

24. The provisions of the Local Government (District Authorities) Act and the Village Land Act relating to land use and environment planning shall, with necessary modifications, be read and construed as if they were provisions of this Act.

(b) Preparation and approval of plans

Declaration of
planning areas

25.-(1) A planning authority other than the Commission may, by notice published in at least two newspapers circulating in the area, declare an area within its jurisdiction as a planning area for the purpose of the preparation of a land use plan or the adoption of existing plan in accordance with this Part.

(2) Subject to approval by the Minister, the Commission may, for the purpose of the preparation of a zonal land use plan or the adoption of an existing plan in accordance with this Part, and by notice published in the *Gazette* and in at least two newspapers circulating in the area-

- (a) declare any area in Tanzania as a zone; and
- (b) specify in that declaration, the precise boundaries of that zone.

(3) Subject to subsection (4), the Commission may, by notice published in the *Gazette*, suspend for a period of not more than one year, any development in a planning area or zone until the land use or physical development plan in respect of such area or zone has been approved.

(4) Where, before the declaration of a planning area or zone under subsection (1), development permission has been granted by a local authority for development in the area or zone, the permission shall not be affected by the suspension if the development in respect of which the permission is granted had commenced not less than six months before the suspension of development.

Inventory
of planning
resources

26.—(1) The planning authorities shall, in respect of a declared planning area or zone, prepare an inventory of the planning resources at their disposal in respect of that area.

(2) A report on the inventory shall be prepared, and consist, *inter alia*—

- (a) the financial resources already allocated for use in the area or zone;
- (b) the human and logistical resources that can be immediately deployed for use in the area or zone;
- (c) an assessment of the infrastructural development already in place in the planning area or zone;
- (d) an assessment of physical and other developments already in existence in the planning area or zone; and
- (e) a schedule and evaluation of land use plans in force within the area or zone.

(3) In the preparation of an inventory under this section, planning authorities shall ensure that all stakeholders in the area or zone are involved.

Land suitability
assessment

27.—(1) The land use planning authorities shall in respect of a declared planning area or zone, prepare a land suitability assessment consisting of—

- (a) a technical report on the physical characteristics and resources of the land;
- (b) a description and analysis of the current use and general condition of the land;
- (c) the suitability of the land for the proposed land use plan;
- (d) community needs in that area or zone;

- (e) valuable or sensitive ecosystems, if any, in that area or zone;
- (f) an assessment of the likely impact of the proposed plan on the environment of the planning area or zone; and
- (g) other information as the Director General may deem necessary.

(2) An assessment prepared under this section shall be presented to a meeting of stakeholders in the area or zone for discussion and revision, if any.

Matters to be included in land use plans

28.—(1) The land use plans prepared by relevant planning authorities under this Act shall be relevant at each level, including proposals on the matters relating to-

- (a) determination or designation of land for various uses including cropland, rangeland, forestland and water sources, fisheries, farming and industrial, factory and workshop land;
- (b) preservation of protected or traditional and other sensitive areas, parks, game reserves, coastal ecosystems including swamps, beach land and marine parks, biodiversity colonies and other flora and fauna;
- (c) preservation of the quality and flow of water in a dam, lake, river or aquifer;
- (d) preservation of any outstanding geographical, physiographical, ecological and archaeological features;
- (e) historical features of the land;
- (f) preservation of the scenic view of land;
- (g) preservation of open space;
- (h) preservation of defined paths on the land;
- (i) preservation of the natural contours and features of the land;
- (j) preservation and restriction of the scope of any activity on the land which has, as its object, the mining and working of minerals or aggregate;
- (k) promotion or regulation of the scope of any agricultural or pastoral activity on the land;

- (l) creation and maintenance of works on the land so as to limit or prevent harm to the land and the environment;
- (m) creation or maintenance of migration corridors for wildlife;
- (n) creation of buffer zones for the protection of natural forests, forest reserves, water catchments areas, rivers, dams and river banks;
- (o) designation of areas for small scale industries to produce low cost building materials and increase employment for human settlements development; and
- (p) the establishment of new or reorganisation of existing settlements and physical infrastructure.

(2) The Minister shall make regulations and direct preparations of guidelines, programs and action plans for giving effect to the provisions of this section.

Preparation
of national
framework plan

29.—(1) The Commission shall—

- (a) within five years of the commencement of this Act update and, where circumstances require, prepare a national land use framework plan; and
- (b) when the need arises, revise the plan for consideration by all sectors involved in land use planning.

(2) In the preparation of the national land use framework plan, the Commission shall—

- (a) consult extensively with other planning authorities established under this Act and the relevant urban planning laws; and
- (b) present a draft of the framework plan to a meeting of national stakeholders for discussion and revision.

(3) The plan prepared under subsection (1), shall—

- (a) contain analysis of the natural resources of Tanzania with an indication to any pattern of change in their distribution and quantity over time;
- (b) contain an analytical profile of the various uses and value of the natural resources incorporating considerations of the current and future generation;

- (c) recommend appropriate legal and fiscal incentives that may be used to encourage the business community to incorporate proper land use planning and environmental requirements into their planning and operational processes;
- (d) set out operational guidelines for the planning and management of land, the environment and natural resources;
- (e) recommend methods for building national awareness through environmental education on the importance of the sustainable use of land, the environment and natural resources for national development;
- (f) identify actual or likely problems that may affect the natural resources and the broader environment context in which they exist;
- (g) identify and appraise trends in the development of urban and rural settlements, their impact on the land, the environment and strategies for the consideration of their negative impact;
- (h) propose guidelines for the integration of standards of environmental protection into development planning and management;
- (i) identify and recommend policy and legislative approaches for preventing, controlling or investigating specific as well as general adverse impacts on the land and the environment; and
- (j) prioritise areas of land use planning and environmental research and outline methods of using the findings.

Preparation of
zonal land use
plans

30.—(1) The Commission shall, in respect of each zone declared under section 25(2), update and, where circumstances require, prepare zonal land use plan in respect of that zone.

(2) The provisions of section 29 shall apply, *mutatis mutandis*, to the preparation of zonal land use plans under this section as they apply to the preparation of the National Land Use Framework Plan under that section.

- (3) A zonal land use plan may be prepared with reference to any land within the zone for the purpose of-
- (a) ensuring orderly use, development and management of land within the zone;
 - (b) the provision of land for building and other purposes;
 - (c) securing suitable provisions for transportation, utilities and services;
 - (d) non-agricultural or pastoral use such as commercial, industrial, residential and recreational uses, including parks, open spaces and reserves; and
 - (e) planning, re-planning or reconstructing the whole or part of the area comprised in the plan.

Preparation of regional land use framework plans

31.-(1) The Commission shall, after consultation with the relevant Regional Secretariat-

- (a) within four years of the issue of a notice under section 25(1), update and, where circumstances require, prepare a regional land use framework plan or plans;
 - (b) every ten years revise such plan or plans; and
 - (c) in respect of the region for which the plan is made, the Commission shall ensure the rationalisation and incorporation of such plan into the National Land Use Framework Plan or zonal plans as necessary.
- (2) The Commission may recommend changes to the regional framework plan, which shall be incorporated in the plan.
- (3) In the preparation of a regional land use framework plan, the Commission shall-
- (a) ensure that stakeholders in the region are fully involved in the process; and
 - (b) present a draft of the framework plan at a meeting of all stakeholders in the region for discussion and revision.
- (4) A regional framework land use plan shall contain any or all of the matters specified in the Fifth Schedule to this Act, and in particular shall prepare-

- (a) a statement of policies and proposals with regard to the allocation of resources for development within the area;
- (b) description and analysis of the condition of development in the area as may be necessary to explain and justify the statement of policies and proposals;
- (c) a description of the present and projection of future land uses and development in the area; and
- (d) data and other information as the Commission may deem necessary.

Preparation of district plans

32.—(1) A district land use planning authority shall-

- (a) within three years of the issue of a notice under section 25(1), prepare a district land use framework plan in respect of the district of which it is established; and
- (b) when the need arises, revise such plan,

and shall submit such plan to the Regional Secretariat for rationalisation and incorporation into the regional land use framework plan proposed under section 31.

(2) The Regional Secretariat may recommend changes to the district land use plan which shall be incorporated in the plan before it is approved.

(3) In the preparation of the district land use framework plan, the district planning authority shall-

- (a) ensure that all stakeholders in the area are fully involved in the process; and
- (b) present a draft of the framework plan at a meeting of all stakeholders in the district for discussion and revision.

(4) A district land use plan prepared under this section shall contain provisions dealing with matters provided for under section 31(4) in relation to their respective district.

Preparation of village plans

33.—(1) A village land use planning authority shall, within two years of the issuance of a notice under section 25(1)-

- (a) in respect of the village for which it is established, prepare a village land use plan and submit such plan to the district planning authority for rationalisation and

incorporation into the district land use plan proposed under section 32; and

- (b) in respect of resources shared with other villages, prepare jointly with other villages planning authorities, a village resource management sector plan and submit such plan to the district planning authority for rationalisation and incorporation into the district land use framework plan proposed under section 32; and where the villages belongs to different districts, shall submit to its respective district, which shall consider them jointly.

(2) The district land use planning authority may propose changes to the village land use or resource management sector plan, which shall be incorporated in the plan before it is approved.

(3) In the preparation of village land use or resource management sector plans, village planning authorities shall-

- (a) determine the time frame with respect to which any particular plan shall be prepared or revised;
- (b) ensure that all stakeholders in the village are fully involved in the process; and
- (c) present a draft of the plan at a meeting of all stakeholders in the village or villages concerned for comment, discussion and revision before submission to the District Council for adoption and to the Village Assembly or Assemblies for approval.

(4) A village land use or resource management sector plan prepared under this section shall-

- (a) contain provisions dealing with matters set out in Part A of the Sixth Schedule to this Act in relation to their respective village or villages; and
- (b) be prepared in accordance with procedures set out in Part B of the Sixth Schedule to this Act.

(5) For the purpose of this section, the village land use shall include a plan of minor settlements or trading centres referred to in the Second Schedule to this Act.

Approval of national, zonal, regional and district plans

34.—(1) National, zonal, regional and district land use plans shall be submitted to the Minister for approval and on receipt thereof, the Minister may approve them either unconditionally or subject to such conditions or modifications as he may consider necessary, or may refuse approval in which case he may require the relevant authority to prepare a new plan for his approval taking into account the proposed modifications or the grounds of his refusal.

(2) All land use plans prepared in respect of any area of reserved land shall be approved in accordance with the law reserving such land, and in the absence of such law, by the Minister.

(3) A plan submitted to the Minister under subsection (1) or (2) for approval, shall be approved within sixty days from the date of the submission.

(4) Where the Minister refuses to approve a plan under subsection (3), he shall, in writing and within the period, furnish the relevant planning authority with the reasons for refusal.

Approval of village and resource sector plans

35.—(1) Village land use plans shall be submitted to Village Assemblies for approval and on receipt thereof may be approved subject to the conditions or modifications as they may consider necessary, provided that resource sector management plans shall be approved by the relevant Village Assemblies meeting in joint session for the purpose.

(2) A plan submitted to the Village Assembly under subsection (1) may be approved within ninety days from the date of submission of the plan unless the Assembly refuses such approval.

(3) Where the Village Assembly refuses to approve the plan shall, in writing and within fourteen days, notify the Ward Development Committee and the District Council of such refusal.

- Publication of plans **36.** The Minister shall-
- (a) within fourteen days after has approved a plan under section 34; and
 - (b) as soon as a plan has been approved by the Village Assembly under section 35,
- where practicable, cause to be published, a notice to the effect that the plan has been approved with or without modification and may be inspected at the places and times specified in the notice during normal working hours.
- Custody of plans **37.**-(1) The plans approved by the Minister or the Village Assemblies under sections 34 and 35 and published under section 36, shall be kept by the relevant planning authority, and may be inspected by, or availed to the public on request during reasonable hours on payment of a fee as may be prescribed by the Minister.
- (2) Copies of the plans published under section 36 shall be sent to the Director General, for custody.
- Revocation or modification of plans **38.**-(1) Subject to the provisions of this section, the Commission may, in such manner as may be prescribed, submit to the Minister proposals for the revocation or modification of an approved plan on any of the following grounds that-
- (a) there are practical difficulties in the execution or enforcement of the approved plan;
 - (b) there has been a change of circumstances including change of use since the plan was approved;
 - (c) stakeholders, with good reason, demand it; and
 - (d) subsequent reviews and evaluations require it.
- (2) The Commission shall, by notice published in the *Gazette*, publish the proposed revocation or modification of the approved plan, stating the period within which representation or objection to the proposed modification or revocation may be made.
- (3) Where after the expiration of the period specified in the notice, a representations or objections have not been made to the Commission under subsection (2), it shall submit the

approved revocation or modification of the proposed plan to the Minister for his approval.

(4) Where the Minister has approved the proposed revocation or modification, the Commission shall not later than sixty days after the approval, publish in the *Gazette* a notice of a revocation or modification made.

PART VI

SPECIAL POWERS OF PLANNING AUTHORITIES

Acquisition of
land for planning

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Cap. 113

39.—(1) Where it appears to any planning authority that, it is necessary to acquire any land within a planning area or zone for the purposes of preparing land use plan and the agreement for the acquisition between the planning authority, the holders and occupiers of the land cannot be reached, the planning authority shall cause to be acquired a land in accordance with the procedures, and subject to the conditions stipulated under the Land Acquisition Act, the Land Act or any other law relating to the compulsory acquisition of land.

(2) Without prejudice to the generality of subsection (1), the power of the planning authority shall extend to the acquisition of land which has not been developed in accordance with the plan applicable thereto and which is necessary to acquire the land in order to secure its efficient development or the proper, orderly and continuous development of a planning area or zone or any part of it or for the development of neighbouring land, and before acquiring any land, the planning authority shall ensure itself that, the user or occupier of such land has taken no reasonable steps to develop the land in accordance with the provisions of the plan applicable thereto.

(3) Without prejudice to the provisions of any other written law relating to the compulsory acquisition of land the-

- (a) purposes for which land may be acquired under the provisions of this Act shall be deemed to be a public land; and

- (b) planning authority shall exercise the power of acquisition as if it were the authority in which the power of compulsory acquisition is vested under that other law.

Demarcation,
subdivision and
consolidation

40.—(1) Except upon application made in the prescribed form and prior approval by the relevant planning authority, a land shall not be adjudicated, demarcated, subdivided or consolidated in accordance with the requirements of a plan approved in relation to that area or zone under this Act.

(2) The demarcation and subdivision plans shall be prepared and submitted for approval in accordance with the provisions of the Land Survey Act.

Cap. 324

(3) Where in the opinion of a planning authority, an application in respect of development, change of use, subdivision, demarcation or consolidation has impact on contiguous land or does not conform to any conditions registered against the certificate of title to the property, the planning authority shall, at the expense of the applicant, publish the notice of the application in the *Gazette* or in any other manner as it deems expedient, and shall serve copies of the application on a user or occupier of the property adjacent to the land to which the application relates and to other persons as it may deem fit.

(4) Where the planning authority receives an objection or representation in connection with an application made under subsection (1), the authority shall notify the applicant of the objections or representations and shall, before determining the application afford the applicant an opportunity to make representations in response to the objections or representations.

(5) Planning authority may approve with or without modifications and subject to other conditions as it may deem fit refuse to approve an application, made under subsection (1).

(6) Subject to the provision of any other written law relating to the administration of land, a demarcation, sub-division or consolidation of land, shall not be effected without regard to the requirements of existing land use plans.

Re-arrangement and re-adjustment of land **41.** Where, it appears to any land use planning authority that it is necessary to re-arrange any parcel of land in or re-adjust the boundaries of land within any planning area for the purpose of securing its use in the manner provided for in the relevant land use plan, and that, agreement between the planning authority and the landholders or occupiers of the land cannot be reached, the planning authority may acquire the land pursuant to section 40 for purposes of effecting the re-arrangement or re-adjustment, but the land shall, after a re-arrangement or re-adjustment forthwith be reconvened to the landholders or occupiers.

Re-adjustment of tenure rights **42.**—(1) Where in the process of planning it becomes necessary that the tenure rights of landholders and occupiers be re-adjusted, a planning authority may, with the consent of the landholders and occupiers concerned and subject to the approval of the land Registrar, propose a scheme of the re-adjustment of tenure rights.

(2) A tenure rights re-adjustment scheme shall specify the-

- (a) nature of existing tenure rights held by landholders and occupiers in the area;
- (b) manner in which those rights are to be re-adjusted or modified; and
- (c) extent of compensation claims if any, arising from re-adjustment and how to deal with the claims.

(3) Where a consent of the holder and occupier cannot be obtained so as to facilitate re-adjustment, the provisions of section 43 shall apply *mutatis mutandis* to re-adjustment of tenure rights under this section, as they apply to re-arrangement and re-adjustment of land under that section.

Power of entry **43.**—(1) Subject to subsections (2) and (3), a person authorised in writing by the Director General or a relevant planning authority shall have the right to enter upon any land or premises during the working hours with a persons, vehicles,

materials and instruments, to do all the acts as are necessary for or incidental to the exercise of the powers conferred, or the performance of the duties imposed by this Act.

(2) A person shall not have the right to enter any land or premises until after the expiration of forty-eight hours after a notice of entry has been served on the holder or occupier of the land or premises.

(3) The holder or occupier of any land or premises affected by the exercise of a right of entry under subsection (1), shall be entitled to compensation for any damage caused by a person entering upon the land or premises, provided that nothing done by any person duly authorised in the *bona fide* execution or purported execution of his functions under this section shall make a person personally liable for any claim arising in respect thereof.

(4) A person who hinders or obstructs an authorised person in the exercise of any of the powers conferred by subsection (1), commits an offence and, on conviction, shall be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

Issuance of
statutory
easement

44.—(1) A planning authority may apply to the Tribunal for the issuance of a statutory easement if this would enhance its planning activities in any area or zone.

(2) The grant of a statutory easement shall specify the-

- (a) nature of the easement;
- (b) land to be benefited or burdened; and
- (c) rights and obligations of parties.

(3) An easement may be imposed on, and shall be attached to the burdened land in perpetuity or for a specified period of time or for an equivalent interest under customary law as the Tribunal may determine.

PART VII
COMPLIANCE, ENFORCEMENT
AND CO-ORDINATION

Status and enforcement of plans

45.—(1) An approved plan published under section 38 shall apply to the area or zone to which it relates, whether or not it is embodied in a local government authority by-law, and a person, agency or the relevant planning authority shall comply with the requirements of the approved plan.

(2) Upon approval of plan and, unless the planning authority otherwise determines, a development shall not take place on land unless it is in conformity with the approved plan.

Control of land use

46. Notwithstanding the provisions of any other written law, a planning authority shall have the power to-

- (a) control or restrict particular uses of land if this is in the interest of proper and orderly development of the planning area or zone;
- (b) control or restrict the subdivision of land or existing parcels into smaller areas;
- (c) ensure the proper execution and implementation of approved plans;
- (d) make by-laws to regulate existence and density of development in the planning area;
- (e) reserve and maintain the land planned for open spaces, parks, wetlands, urban forests and greenbelts in accordance with the approved plan; and
- (f) subject to any relevant law, require the land users to submit environmental impact statements approved by a competent national authority in respect of, and before the commencement of any development carried out in a planning area or zone.

Voluntary compliance

47.—(1) A landholder or occupier of land shall take all steps necessary to ensure voluntary compliance with the aspects of an approved plan that are relevant to activities carried out on the land he holds or occupies.

(2) The Minister may, in consultation with a relevant minister, establish a scheme to be administered by planning authorities for the facilitation of voluntary compliance under this section.

(3) The scheme established under subsection (2), may include-

- (a) the provision of tax incentives;
- (b) the provision of financial support for capital development;
- (c) assistance with infrastructural support; and
- (d) extension services.

(4) Where a scheme is established in accordance with this section, it shall be the responsibility of planning authorities to design mechanisms for the proper administration of the scheme in their various areas of jurisdiction.

Issues of
enforcement
notices

48.-(1) Where it comes to the notice of a planning authority that, the development of land has been, or is being carried out after the commencement of this Act, otherwise than in accordance with the applicable land use plan, the planning authority may serve an enforcement notice on the owner, occupier or developer of that land.

(2) An enforcement notice shall specify the-

- (a) development alleged to have been carried out in a manner contrary to the provisions of the plan;
- (b) conditions of development required by the plan that have been contravened and such measures as are required to be taken within the period specified in the notice to restore the land to its original condition before the development took place; or for securing compliance with those conditions as the case may be; and
- (c) demolition or alteration of any building or works, the discontinuance of any use of land or the construction of any building or the carrying out of any other activities.

(3) Unless an appeal has been lodged under section 58, an enforcement notice shall take effect after the expiration of a period as may be specified in the notice.

Failure to comply with enforcement notice

49.—(1) Where, within the period specified in the enforcement notice or within such further period as the authority may determine, any measures required to be taken, other than discontinuation of any use of land, have not been taken, the authority may enter the land and take those measures and may, without prejudice to any penalties that may be imposed or any other action that may be taken under this Act, recover from the person on whom the enforcement order is served, any expenses reasonably incurred by it in connection with the taking of the measures.

(2) Where pursuant to a measure taken, a person has not lodged an appeal under section 58, that person shall not be entitled to question the validity of any action taken in this section, upon any grounds that could have been raised in such appeal.

(3) Where an authority has taken action under section 51 and this section, any material removed by it from the land in pursuance of the action shall, unless the owner claims and removes the material within thirty days, be sold and the proceeds, after deduction of any expenses reasonably incurred by the authority in connection with the action and sale, be paid to the owner.

(4) A person who obstructs, or otherwise interferes with an authority in the execution of its functions under section 51 and this section, commits an offence and on conviction, shall be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

Power to Prosecute

50.—(1) The Director General shall have power to appoint an authorised officer or an inspector who may, subject to the consent of the Director of Public Prosecutions, conduct

prosecution for any offence under this Act or regulations made under this Act and, for that purpose have all the powers conferred upon a public prosecutor by the Criminal Procedure Act.

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(2) An authorised officer or inspector appointed under subsection (1), shall be a legally qualified person.

Enforcement
Powers of
Minister

51. Where the Minister has received an inspection report and if he is satisfied that the relevant planning authority has failed to do so, may in writing, direct the planning authority to take action as he considers appropriate in order to ensure that the provisions of sections 48 and 50 are complied without delay on the part of any person.

Appeals against
Enforcement

52.-(1) A person who is aggrieved by the service of an enforcement notice under section 48 may, within the period specified therein, appeal to a Tribunal under section 58.

(2) A development affecting any land to which an enforcement order has been served shall be discontinued and execution of the enforcement notice stayed pending determination of appeal.

Issuance and
content of land
restoration orders

53.-(1) Subject to the provisions of this Act, a planning authority may issue and serve on any person, a land restoration order in respect of any matter relating to the management or use of land.

(2) A land restoration order shall specify clearly in a manner which may be easily understood-

- (a) the activity to which it relates;
- (b) the person to whom it is addressed;
- (c) the time it shall come into effect;
- (d) the action which shall be taken to remedy the harm to the land and the time, being not more than thirty days or a further period as may be prescribed in the order, within which the action shall be taken;
- (e) the powers of the planning authority to enter any land and undertake the action specified in paragraph (d);

- (f) the penalty which may be imposed if the action specified in paragraph (d) is not undertaken; and
- (g) the right of the person served with the order to appeal to the Tribunal against the order.

(3) A land restoration order may contain such terms and conditions, and impose obligations on the persons to whom it is served as will, in the opinion of the planning authority, enable the order to achieve all or any of the purposes provided for in section 48.

Effects of land
restoration order

54.—(1) A land restoration order issued under section 53 or 56 may—

- (a) require the person to whom it is served to restore the land as near as it may be to the state in which it was, before the taking of the action which is the subject of the order;
- (b) prevent the person to whom it is served from taking any action which would or is reasonably likely to cause harm to the land;
- (c) award compensation to be paid by the person to whom it is served to other persons whose land or livelihood has been harmed by the action which is the subject of the order; and
- (d) levy a charge on the person to whom it is served which in the opinion of the planning authority represents a reasonable estimate of the costs of any action taken by an authorised person or organisation to restore the land to the state in which it was before the taking of the action which is the subject of the order.

(2) Without prejudice to the generality of subsection (1), a land restoration order may require a person to whom it is served to—

- (a) take such action as shall prevent the commencement or continuation of any activity that may cause pollution;
- (b) cease or take any action which is causing or may contribute to the causing of pollution;

- (c) remove or alleviate any injury to land, the environment or to the amenities of the area;
 - (d) restore land, including replacement of soil, the re-planting of trees and other flora; and the restoration as far as may be possible of outstanding geographical, archaeological or historical features of the land or the area contiguous to the land as may be specified in the particular order;
 - (e) prevent damage to the land, aquifers beneath the land and flora and fauna in, on or under or about the land or the environment contiguous to the land specified in the order;
 - (f) remove any waste or refuse deposited on the land specified in the order and dispose of the same in accordance with the provisions of the order; and
 - (g) pay any compensation specified in the order.
- (3) In exercising its powers under this section, the planning authority shall-
- (a) be guided by the principles of good land use in accordance with the provisions of this Act;
 - (b) explain the right of appeal of the persons against whom the order is issued to a Tribunal or if dissatisfied with the decision of a Tribunal, to the High Court; and
 - (c) seek and take into account any technical, professional and scientific advice which it considers necessary for a satisfactory decision to be made on a land restoration order.
- (4) The land use planning authority may inspect or cause to be inspected any activity to determine whether that activity is harmful to the land and may take into account the evidence obtained from that inspection in any decision on whether or not to serve a land restoration order.
- (5) It shall not be necessary for a land use planning authority or its officers in exercising powers under subsection (4), to give any person conducting or involved in the activity which is the subject of the inspection, or who is residing or working on

or developing land on which the activity which is the subject to the inspection is taking place, an opportunity of being heard by or making representation to the person conducting the inspection.

(6) A person served with a land restoration order shall, subject to the provisions of this Act, comply with all the terms and conditions or the order that has been served on him.

Reconsideration
of land
restoration order

55. A person upon whom a land restoration order has been served may, within twenty-one days after the restoration service of the order, in writing request the planning authority to reconsider that order.

Issues of land
restoration order
by Tribunal

56.—(1) Without prejudice to the powers of a planning authority, the Tribunal may in proceedings commenced before it, issue a land restoration order against a person who has harmed, is harming or is reasonably likely to harm the land.

(2) For the avoidance of doubt, it shall not be necessary for a complainant under this section to show that he has a right or interest in the property, environment or land alleged to have been or is likely to be harmed.

Monitoring and
evaluation of
land use

57.—(1) The Commission shall, in consultation with the relevant land use planning authorities and lead agencies, monitor and evaluate-

- (a) land use and environmental phenomena with a view to making assessment of any possible change in the environment and the possible impacts; and
- (b) the operation of any industry, project or activity with a view to determining its immediate and long term effects on the land.

(2) An officer appointed under this Act may enter upon any land or premises for the purpose of monitoring the effect upon the land of any activities carried out on that land or premises.

Appeals to
Tribunals or High
Court

- 58.**—(1) An individual or group of persons aggrieved by the-
- (a) terms of an approved land use plan under this Act;
 - (b) imposition of any condition, limitation or restriction in a land use plan under this Act;
 - (c) revocation, suspension or variation of land use plan under this Act;
 - (d) assessment of the amount of compensation to be paid in respect of any acquisition of land or interest therein under this Act;
 - (e) amount of money required to be paid as a fee under this Act;
 - (f) imposition of an enforcement order, may appeal to the Tribunal having jurisdiction over land matters within the planning area or to the High Court.
- (2) Notwithstanding the generality of subsection (1), appeals under this section shall, in the case of matters arising from-
- (a) village land use plan, be lodged with the Village Land Council;
 - (b) district land use plans, be lodged with the District Land and Housing Tribunal; and
 - (c) regional, zonal and national land use plans, be lodged with the High Court (Land Division).
- (3) Unless otherwise expressly provided in this Act, where this Act empowers the Director General, the Commission or planning authorities to make decisions, such decisions may be subject to an appeal to the Tribunal or to the High Court in accordance with such procedures as may be established for that purpose.

Decision of
High Court and
Tribunals

- 59.**—(1) Upon any appeal, the Tribunal or the High Court may-
- (a) confirm, set aside or vary the order or decision;
 - (b) exercise any of the powers which could have been exercised by the authorities in the proceedings in connection with which the appeal is brought; and
 - (c) make other order, including an order for costs, as it may deem just.

(2) Upon any appeal to the Tribunal or the High Court the *status quo* of any matter or activity, which is the subject of appeal, shall be maintained until the appeal is determined.

(3) Notwithstanding the provisions of section 58(3), where the Director General is satisfied that immediate action is required to avert serious injury to the land or environment he may take reasonable action to stop, alleviate or reduce an injury, including closing down any undertaking, until the appeal is finalised or the time for appeal has expired.

Further appeals

60.—(1) A person who is aggrieved by a decision or order of a Tribunal may, within thirty days of a decision or order—

- (a) in the case of such decision or order of the Village Land Council, appeal to the Ward Tribunal;
- (b) in the case of a decision or order of the Ward, or Land and Housing Tribunal, appeal to the High Court (Land Division); and
- (c) in the case of a decision or order of the High Court (Land Division) appeal to the Court of Appeal.

(2) A decision or order of a Tribunal or Court shall not be enforced until the time for lodging an appeal under this section has expired or, where the appeal has been commenced, until the appeal has been determined.

(3) Upon the hearing of an appeal under this section, a Tribunal or the Court may confirm, set aside or vary the decision or the order.

PART VIII OFFENCES AND PENALTIES

Offences

61.—(1) A person who—

- (a) violates the terms and conditions of an approved land use plan; or
- (b) otherwise contravenes the provisions of this Act, commits an offence and, on conviction, shall be liable to a fine not exceeding two million shillings or imprisonment for a term of three years or to both.

(2) In addition to any penalty that the Court may impose under subsection (1), the Court may direct that person to-

- (a) comply with the terms and conditions of the plan which he has violated; and
- (b) restore to its original state any land which has been damaged as a result of the violation.

(3) Without prejudice to the provisions of subsections (1) and (2), the Court may direct the offender to meet the cost incurred by any third parties as a result of the violation through adequate compensation, restoration or restitution.

(4) A person who fails, neglects or refuses to comply with-

- (a) any land restoration order, made under this Act; or
- (b) a statutory easement, issued under this Act,

commits an offence and on conviction, shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both.

General penalty

62. A person who commits an offence under this Act or regulations made hereunder for which no other penalty is specifically provided, on conviction shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

PART IX

MISCELLANEOUS PROVISIONS

Regulations

63.-(1) The Minister may make regulations prescribing matters that are required or permitted by this Act to be prescribed for giving full effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations prescribing-

- (a) issuance, amendment and revocation of any approval;
- (b) the charging of fees and levying of charges;
- (c) adoption in whole or in part or with modifications, any rules, standards, guidelines, or regulations, by-laws, codes, instructions, specifications, or administrative

procedures prescribed by any agency either in force at the time of prescription or publication;

- (d) forms to be used under this Act;
- (e) procedures to be followed by the planning authorities in the discharge of their duties under this Act;
- (f) manners in which land may be secured by a planning authority for the purposes of this Act;
- (g) establishment of standards for the discharge of waste on any land; and
- (h) form of any orders and notices to be issued under this Act.

Access to records **64.** The Director General or a planning authority may request for the production of, and make extracts from all registers, records, deeds or instruments belonging to, or in the custody or possession of any public officer or any person and in which are contained particulars of any land or property affected by a plan.

Repeal
Act No.
3 of 1984 **65.** [Repeals the National Land Use Planning Commission Act].

Savings and transitional provisions **66.**—(1) An approval for development granted under any building by-laws, given under the provisions of any written law, in force immediately prior to the commencement of this Act, shall be deemed to be development permission granted under this Act; provided that the approval shall cease to have effect unless the development in respect of which approval was given has been commenced within twenty-four months prior to the commencement of this Act.

(2) The land use planning functions previously exercised by various authorities under existing or repealed legislation shall stand transferred to the various planning authorities created under this Act.

(3) An application for permission to develop land made to the Commissioner of Lands, any local authority or other planning authority before the commencement of this Act,

being an application that has not been determined before the commencement shall, for the purposes of this Act be deemed to be an application for development permission under this Act.

(4) Persons appointed to the service of any agency under the repealed Act, shall without loss of benefits, retain their service on the staff of agencies of similar jurisdiction established under this Act.

Amendment of Schedules

67. The Minister may amend or revoke the Schedules to this Act.

FIRST SCHEDULE

(Made under section 6(3))

PROCEEDINGS OF THE COMMISSION

Meeting of Commission

1.-(1) The Chairman shall convene an ordinary meeting of the Commission whenever he deems it necessary or expedient, but not less frequently than once in every year for the transaction of the Commission's business and shall appoint a suitable time, place and date for holding the meeting.

(2) The Chairman may at any time on his own initiative convene a special meeting of the Commission or shall convene a special meeting of the Commission within twenty days after he has received a written request to do so signed by not less than four members of the Commission.

(3) The Chairman, or when absent, the Vice-Chairman shall preside at the meetings of the Commission and in the absence of both the Chairman and Vice-Chairman the members present at the meeting shall elect one of the members to be chairman of the meeting.

Election of Vice-Chairman

2. The Commission shall elect one of its members to be a Vice-Chairman and any member elected to be Vice-Chairman shall, subject to his continuing to be a member, hold office for a period of one year and shall be eligible for re-election

Quorum

3.-(1) A simple majority of the members of the Commission shall constitute a quorum at any meeting of the Commission.

(2) All matters for consideration by the Commission or acts to be done by the Commission shall be decided by a resolution at a meeting of the Commission at which a quorum is present.

(3) A decision of the majority of members present and voting at a meeting of the Commission shall be deemed to be a decision of the Commission.

(4) A member of the Commission shall have one vote, and in the event of an equality of votes, the Chairman shall have a second or casting vote in addition to the deliberative vote.

(5) Notwithstanding the provisions of subparagraph (2), where the Chairman directs, a decision may be made by the Commission without the Commission meeting by circulation of the relevant papers among all the members and requiring each member to express views in writing; but any member may require that a decision to be deferred for consideration at a meeting of the Commission in and such a case, a decision shall not be made until there has been a meeting of the Commission.

(6) The validity of any proceedings of the Commission shall not be affected by any vacancy among the membership or by any defect in the appointment of a member.

Minutes of meetings and appointment of Secretary

4.-(1) Minutes in proper form of each meeting of the Commission shall be kept, and confirmed by the Commission at the next meeting and signed by the person presiding at the meeting.

(2) The Director General shall be the Secretary to the Commission and attend and keep minutes of the meetings of the Commission and perform such other duties as the Commission may require or as the Minister may direct.

Procedure

5. Subject to this Schedule and any regulations made under the Act, the Commission may regulate its own procedure.

Seal of Commission

6. The seal of the Commission shall not be affixed to any instrument except in the presence of the Chairman or the Vice-Chairman and one other member of the Commission.

SECOND SCHEDULE

(Made under section 18(2))

VILLAGE

There shall be two categories of human settlements in the rural area, namely-

1. A settlement with a population of less than 10,000 people shall be regarded as a village.

2. A Minor Settlement (Trading Centre). Some villages act as trading centres according to the level of services available. To qualify for a trading centre a village settlement shall have at least-

- (a) 5 retail shops and a market place;
- (b) a primary school;
- (c) a dispensary; and
- (d) a post office.

THIRD SCHEDULE

(Made under section 19(5))

MEMBERS OF THE TECHNICAL COMMITTEE

(a) Representatives of the Government ministries responsible for the following matters:

1. Agriculture.
2. Economic Planning and Development.
3. Education.
4. Energy.
5. Environment
6. Finance.
7. Fisheries.
8. Health.
9. Industry.
10. Investment.
11. Law and law Enforcement.
12. Local government authority.
13. Mining.
14. Natural Resources.
15. Public administration.
16. Public Works.
17. Research and technology.
18. Tourism.
19. Water resources.
20. Lands and Human Settlements Development.
21. Labour.
22. Information.
23. Livestock.
24. Community Development Gender and Children.

(b) Representatives of the following institutions

1. Two representatives, being one each from public and private institutions of higher learning.
2. Tanzania Bureau of Standards.
3. Tanzania Forestry Research Institute.
4. Tanzania Marine Research Institute.
5. National Medical Research Institute.

6. Tanzania Wildlife Research Institute.
7. Commission of Science and Technology.
8. National Museums of Tanzania.
9. National Radiation Protection Commission.
10. Tanzania Pesticides Research Institute.
11. National Environment Management Council.

FOURTH SCHEDULE

(Made under section 19(6))

MATTERS FOR CONSIDERATION BY THE TECHNICAL COMMITTEE

1. How to establish criteria and procedures for the assessment of land quality.
2. Minimum land quality standards for all land in Tanzania and for different uses, including:
 - (a) land for agricultural use;
 - (b) land for recreational use;
 - (c) land for planned settlements;
 - (d) land for waste disposal;
 - (e) land for wildlife use;
 - (f) land for protective and productive forests;
 - (g) land for livestock and pastoralism;
 - (h) land for minerals and water resources use; and
 - (i) land for industrial use.
3. Guidelines or regulations for the preservation of land where the land may need special protection.
4. Areas of research on the effects of land pollution on the environment, human beings and fauna.
5. Measures necessary for the treatment of effluents before being discharged into the sewerage systems.
6. Modalities for the management of common resources.
7. Criteria for inter-sectoral consultation and coordination.
8. Guidelines for joint decision making by planning agencies on matters of common concern.
9. Guidelines for monitoring and evaluation of approval plans.

FIFTH SCHEDULE

(Made under section 31(4))

MATTERS TO BE INCLUDED IN REGIONAL AND DISTRICT LAND USE FRAMEWORK PLANS

1. Existing and proposed land uses.
2. Population growth, projections, distribution and movement.
3. Land potential including distribution of agricultural land potentials, their relative values, population and land imbalance, land tenure and other natural resource endowments.
4. Employment and incomes including characteristics of employment, income distribution, the labour force, potential of the informal sector and their locations.
5. Human settlements including distribution of existing services, growth and pattern of urbanisation, cause of primary and rural-urban migration.
6. Environment degradation status.
7. Alternative development patterns including rural development, urban development and interrelations between urban and rural development.
8. Strategies for human settlements in the area including development of service centres, growth centres, transport and communication network and rural development.
9. Strategies for livelihood with respect to land related resources.
10. Measures for implementation and co-ordination in specific sectors, namely industrial development, housing transportation, health services, education, water supply, sewerage and electricity supply.
11. Areas for small scale industries to produce low costing building materials and increase employment for human settlements development.

SIXTH SCHEDULE

(Made under section 33(4))

MATTERS TO BE INCLUDED IN VILLAGE LAND USE PLANS

Part A: Issues for consideration

1. Existing tenure arrangements land uses and development patterns.
2. Proposals for multiple land use systems to accommodate different land use practices.
3. Participation of local communities and villages in managing their resources.

4. Pattern of rural settlements.
5. Population growth, migration, density and distribution, age, sex, structure and household size.
6. Employment and incomes of the population including where people work, trend and problems encountered in relation to services delivered.
7. Agricultural potential of the rural areas showing various agricultural activities and the problems facing the local communities.
8. General statements on the terrains, soils and climate.
9. Soil survey (land classes, soil texture, erosion, soil suitability).
10. Analysis of social economic data and biophysical data.
11. Proposed implementation of existing traditional technologies.
12. Potential role of wildlife in local community and village development.
13. Potential role of forests in local community development.
14. Potential role of minerals and water resources.
15. Potential role of livestock in local community development.

Part B: Procedures

1. State goals and objectives.
 2. Preparations of community action plans for the management of land use.
 3. Preliminary activities-
 - (a) establish or ascertain village boundaries;
 - (b) prepare or update village land use and base maps;
 - (c) motivate villagers on land use planning;
 - (d) mobilise and motivate stakeholders in the village; and
 - (e) assemble necessary resources.
 4. Organise meetings with Village Council.
 5. Agree on broad zoning for land uses and community facilities.
 6. Negotiate tenure rights between individuals and the community.
 7. Involve stakeholders.
 8. Draft and finalise village land use plan.
 9. Present draft land use plan to stakeholders for discussion and approval.
 10. Establish institutions for evaluation and monitoring.
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